

Entered -03-27-01 - sb  
CL 01L0193 - GWENDOLYN BURNS

01-R-1064

CLAIM OF:

OLIVER L. TRAYLOR  
152 Graves Street, NW  
Atlanta, Georgia 30314

For damages alleged to have been sustained when police sold  
a set of golf clubs in an auction without properly notifying  
the owner that the property was available for pick up in  
September, 1999 at 675 Ponce De Leon Avenue, NE

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert M. Coj DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0192

Date: June 26, 2001

Claimant /Victim OLIVER L. TRAYLOR  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 152 Graves Street, NW, Atlanta, Georgia 30314  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,500.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/14/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 9/99 - 1/29/01 Place: 152 Graves Street, NW  
Department POLICE Division \_\_\_\_\_  
Employee involved P. Sparwarth Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained damages when his golf clubs were confiscated by police during a police raid and sold in an auction in September 1999. Claimant further contends that the police failed to notify him that his property was available for pick up. Moreover, the property was sold prior to the criminal trial proceeding which was held on January 29, 2001. However, the issues of this claim are being resolved by the Property Division of the Police Department.

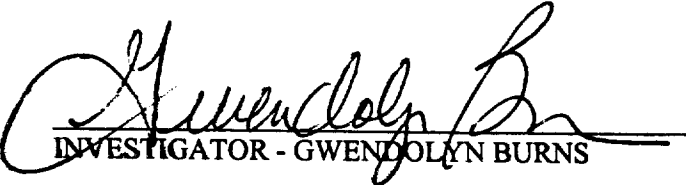
INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

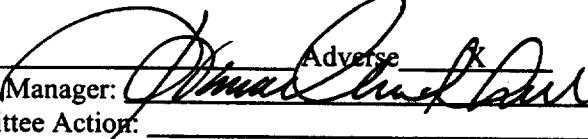
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06/28/01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

cc: Delores Brown: 356. to  
Pl: Chief Beverly Howard

BURNS  
03/22/01

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3/10/01

14 2001

Dear Municipal Clerk:

ENTERED - 3-27-01 - SB  
01L0193 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,500.00 property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: October 1998 2. Time of Incident: \_\_\_\_\_ 3. Police <sup>visited</sup> called: \_\_\_\_\_  
(month/day/ year) Yes No
4. Location of incident (including street address): 152 Graves St., Atlanta, GA
5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_
6. State what and how incident occurred: On the above noted date and address the aforesaid address was raided. At that time, monies in the amount of \$1155.00 and a Wilson Golf Club set, specifically left-hand fitted, with the irons being brand new at a cost.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Oliver L. Traylor  
Signature of Claimant

Oliver L. Traylor  
(Print Claimant's Name)  
152 Graves St., NW  
(Address)  
Atlanta, GA 30314  
(City, State and Zip Code)  
(404) 524-4076  
(Work Number) (Home Number)

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of \$1500.00 were confiscated and taken into evidence, with the assumption that the monies were drug profits and the irons stolen.

One year later, while the case was still pending in 1999, according to the property-evidence dept. of Atlanta Police Dept., these irons were mistakenly auctioned off by Atl. Police Dept.

This case was not even heard before the Court and resolved until January 29, 2002. When released by the Courts for pick-up, Mr. Traylor was given the money in the aforementioned amount of \$1155.00 but not the property (i.e. the Golf set)

A copy of said Court date is hereto attached. Please take note that the hand-written number on bottom was given to Mr. Traylor as a referral number concerning his irons. The hand-written notation was written by Atl. Police Dept as some sort of confirmation or cross-reference.

If you have any further questions please contact Oliver L. Traylor @ (404) 524-4076.

We thank you in advance and hope this matter can be speedily resolved by either replacing these irons or monetary compensation in the amount of \$1500.00.